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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Adrian Yap

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THE DIRECTV GROUP, INC.
PATENT DOCKET ADMINISTRATION
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EXAMINER

RAMAN, USHA

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2424

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/837,844	YAP ET AL.	
	Examiner	Art Unit	
	USHA RAMAN	2424	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 May 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 110-127 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 110-127 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>2/8/10</u> . | 6) <input type="checkbox"/> Other: _____ |

Response to Arguments

1. Applicant's arguments filed May 3, 2010 have been fully considered but they are not persuasive.

Applicants argue (see Remarks, page 9) that, “Knudson and Hoffberg are related to “series” or “episodes” of television series. Nowhere do these references refer to a single event that may have been recorded before”. Examiner however notes that the claim language does not preclude the scenario wherein duplicate episodes maybe when recording episodes of a television series.

Applicant further argues (see Remarks, page 9) that, “nowhere do these references use electronic program guide tags and a user-identified preference for which tags in the EPG to use as a criteria for recording”. Examiner respectfully disagrees. Knudson discloses wherein user can specify a criteria for recording [0085] wherein the criteria indicate program guide tags [0041], [0087]. Applicant continues on to argue (see Remarks, page 9), “....much less to selectively use these tags to terminate and erase the current recording that is identified as a duplicate” stating (see Remarks, page 9) that, “Knudson merely uses the user-indicated preference to determine whether to record or not, not whether to terminate recording and erase a duplicate”. However, as best understood by the examiner, two different preferences options are set by the user: one setting recording preferences based on tags and another preference setting indicating that duplicates be erased upon being identified as duplicates. So if a change is made by the user, the system checks for duplicates and then deletes them (para 87), just what applicant has disclosed.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 110-113, 117-122 and 126-127 are rejected under 35 U.S.C. 103(a) as being unpatentable over Browne et al. (WO 92/22983) in view of Knudson et al. (US PG Pub. 2005/0204388) and Hoffberg et al. (US Pat. 5,901,246).

With regards to claims 110 and 119, Browne discloses an apparatus and a method of processing available content, comprising:

Receiving the available content using one or more tuners (page 9, lines 21-26); and

Performing a plurality of operations on the available content received from the one or more tuners, the plurality of operations including selecting at least one recorded event from the available content based on thumbnail, preview, or snippet (see page 30, lines 20-33 and fig. 11);

It is further noted that a current recording is buffered in the memory at the time a record operation is initiated (see Browne: page 32, lines 25-33). Browne is however silent on the step tracking a list of recorded programs for duplicates when the record operation is initiated and activating a previously selected user identified preference and selectively erasing and terminating the current recording of a

program based on the previously selected user-identified preference for criteria that is identified as a duplicate.

In an analogous art, Knudson discloses a method of allowing user to indicate a recording preference for programs, wherein user may indicate that only previously unrecorded programs be recorded (see fig. 11, and claim 148). User may specify a plurality of criteria such as program times, channel, program type, etc [0085] related to the available content, wherein program data (i.e. tags) characterizing programs are embedded in an EPG [0041], [0045] and the system searches EPG for programs matching the user set criteria [0087]. As such, program information identifying the program [0041] read on the claimed tags, wherein user identified preference for criteria comprise tags [0085], [0041] and the system searches for programs matching the criteria [0087].

Hoffberg additionally discloses a method of recording unrecorded programs such that the user can maintain a full library of episodes of a series without duplicating episodes (col. 79, lines 3-9). Such a method as disclosed by Hoffberg is achieved by tracking a list of previously recorded programs when a record operation for a current recording is initiated (col. 81, lines 61-63). In the event it is determined that the current recording of a program is a duplicate, then the recorded portion of the current recording is erased (and therefore terminated). See col. 81, lines 65-col. 82, line 1. One of ordinary skill in the art would find it advantageous to utilize Hoffberg's method to augment the step of recording "unrecorded episodes" of

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Knudson such that user can maintain a full-library of episodes without duplicating them.

It would have been obvious to one of ordinary skill in the art to modify the system of Brown in view of teachings of Knudson and Hoffberg to allow a user to indicate a preference for recording only un-recorded programs of a series, wherein when a record option is initiated, tracking a list of previously recorded programs for duplicates and in the event a current recording of a program is identified as a duplicate, terminating and erasing the current recording so that storage is efficiently managed to allow a user to maintain a full library of episodes without duplicating episodes. When the current recording is identified as a duplicate in the modified system, the current recording is erased due to a previously selected user-identified preference for recording only unrecorded programs.

With regards to claims 111, and 120, Browne teaches selecting at least one recording from the available content based on keyword (see page 30, lines 10-27 and fig. 11). The modified system therefore additionally teaches the step wherein, “performing a plurality of operations includes selecting at least one recorded event from the available content based on key word”.

With regards to claims 112, and 121, the modified system further comprises wherein the selecting is achieved by a user browsing through information related to the available content stored on at least one storage medium. See Brown: page 30, lines 5-13.

With regards to claim 113 and 122, the modified system discloses the step of checking for characteristics of duplicates when attempting to record a program from available content that has already been recorded on the storage medium (Hoffberg: column 81 lines 61-63). The modified system further discloses the step of displaying recorded contents and contents being recorded (see Browne page 24, lines 18-23 and figure 6) in storage section are displayed. Therefore it would have been obvious to one of ordinary skill in the art to further modify the system by displaying the characteristics of the selected program to record with a best match in the at least one storage for a visual comparison by the user.

With regards to claim 117 and 126, Browne discloses that users maybe provided a plurality of playback controls as depicted in figure 14, panel 1405. Among the controls provided in the aforementioned panel is an option widely recognized in the art as the rewind control (a). The "increment" is further understood to be the time that a user performs the rewind operation until he/she resumes normal playback. As such the modified system further comprises performing a plurality of operations including "permitting a user to rewind recording in an increment for playback of a portion of the available content".

With regards to claims 118 and 127, Browne discloses creating a personalized database from the available content, wherein the contents maybe personalized to each user 's preferences (see page 26 lines 18-29).

4. Claims 114-116, and 123-125 are rejected under 35 U.S.C. 103(a) as being unpatentable over Browne et al. (WO 92/22983) in view of Knudson et al. (US PG Pub. 2005/0204388) and Hoffberg et al. (US Pat. 5,901,246) as applied to claims 110 and 119 respectively above, and further in view of Vallone et al. (US Pat. 6,847,778)

With regards to claims 114, 115, 116, and 123, 124, and 125, the modified system does not disclose the step of displaying status of a program including a current delay that allows the user to see how far a recording is behind live feed when pausing a live signal.

In an analogous art, Vallone discloses the step of when viewing a program at it is being recorded, further displaying a trick play bar and cache bar overlaid on the screen to give an indication of visual reference points to notify the user where the live recording is at (cache bar) and where the current slider is at when the user pauses live signal. See figure 26 and description in column 18, lines 39-44, lines 55-61, and column 19, lines 60-65.

It would have been obvious to one of ordinary skill in the art at the time of the invention to further modify the system in view of Vallone by displaying a current delay that allows the user to see how far a recording is behind live feed when pausing a live signal. The motivation is to give the user a visual reference point on the current viewing location of the program.

With further regards to claims 114 and 123, the system as modified above displays a status (cache bar) of a program from the available content wherein a user is currently viewing the program.

With further regards to claims 115, 116, 124 and 125, the status includes at least one of current delay displayed in the cache bar that allows the viewer to see a delay between the recording and a live feed.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to USHA RAMAN whose telephone number is (571)272-7380. The examiner can normally be reached on Mon-Fri: 8am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Kelley can be reached on (571) 272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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